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Paper No. 9

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OFFICE OF PETITIONS

In re Application of
Kessler et al.
Application No. 09/935,264
Filed: August 22, 2001
Title: ACOUSTIC MICRO IMAGING
METHOD PROVIDING IMPROVED
INFORMATION DERIVATION AND
VISUALIZATION

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: DECISION ON PETITION
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This is a decision on the Petition to Withdraw Holding of Abandonment or in the Alternative to Revive Patent Application, filed February 17, 2004. Accompanying the petition was persuasive evidence that the petition was originally filed on December 31, 2003.

The above-identified application became abandoned for failure to file a timely and proper reply to the Notice to File Missing Parts of Nonprovisional Application mailed October 3, 2001. This Notice set a two (2) month time limit for reply, with extensions of time obtainable under § 1.136(a). No extensions of time having been obtained and no reply received, the above-identified application became abandoned on December 4, 2001. A Notice of Abandonment was not mailed until December 17, 2003.

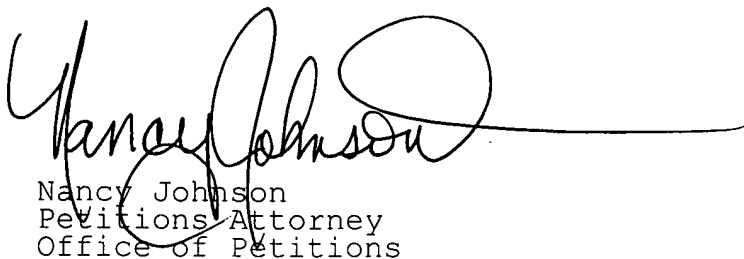
The instant petition was promptly filed in response. The petition included persuasive evidence that the response to the Notice was timely submitted by virtue of its Deposit in the Express Mail service of the United States Postal Service on December 3, 2001. See 37 CFR 1.10.

In view thereof, the petition to withdraw the holding of abandonment is **GRANTED**. The Notice of Abandonment mailed December 17, 2003, is hereby **VACATED**.

Since consideration of the petition under § 1.137 is unnecessary, although authorized, no petition fees will be charged.

The application file is being forwarded to the Office of Initial Patent Examination for processing of paper Nos. 5 and 6, the responses to the Notice originally filed December 23, 2001.

Telephone inquiries related to this decision should be directed to the undersigned at (703) 305-0309.

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is fluid and cursive, with a long horizontal line extending to the right. It is positioned above the typed name and title.

Nancy Johnson
Petitions Attorney
Office of Petitions